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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE  
OBJECTION OF USACM  
LIQUIDATING TRUST TO PROOF  
OF CLAIM NO. 10725-02064-2 BY  
NEIL A. AND JOSEPHINE E.  
XAVIER IN THE AMOUNT OF  
\$51,625; AND CERTIFICATE OF  
SERVICE**

Date of Hearing: October 18, 2011

Time of Hearing: 1:30 p.m.

Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT  
YOU FILED. THE USACM TRUST SEEKS TO DISALLOW IN FULL PROOF  
OF CLAIM NO. 10725-02064-2.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS  
REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN  
HINDERAKER (520-629-4430).**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
through its counsel, has filed its Objection to Proof of Claim No. 10725-02064-2 filed by  
Neil A. and Josephine E. Xavier, (with Certificate of Service) (the "Objection"). The first

page of your Proof of Claim as required by Nevada LR 3007, is attached to the Objection as **Exhibit A**. The USACM Liquidating Trust has requested that this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to disallow your Proof of Claim in full.

**NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on **October 18, 2011, at the hour of 1:30 p.m.**

**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER 18, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 DATED this 17th day of September, 2011.

2 LEWIS AND ROCA LLP

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4 By /s/ John Hinderaker (#18024)  
5 Robert M. Charles Jr. NV 6593  
6 John C. Hinderaker, AZ 18024 (*pro hac vice*)  
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9 *Attorneys for the USACM Liquidating Trust*

10 Copy of the foregoing  
11 mailed by first class postage prepaid on  
September 17, 2011 to:

12 Xavier, Neil A & Josephine E  
13 2506 Libretto Ave  
14 Henderson, NV 89052

15 LEWIS AND ROCA LLP

16 /s/Renee L. Creswell  
Renee L. Creswell

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